UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,374	01/16/2001	Brian J. Deen	13768.156	5333

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EXAMINER
TRAN, TONGOC

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/761,374	DEEN ET AL.
	Examiner	Art Unit	
	Tongoc Tran	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*14 September 2005*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to Applicant's Request for Continued

Examination filed on September 14, 2005.   Claims 1, 10 and 20 have been amended.

Claims 1-26 are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 3, 12 and 22 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Peterson et al. (U.S. Patent Application Publication No. US 2001/0003828, Peterson) in

view of Gupta et al. (U.S. Patent No. 6,704,786).

In respect to claim 1, Peterson discloses in a network system including a server

system and a client system, wherein the server system monitors the occurrence of

events, sends notification to the client system after one of the monitored events occurs,

a method for efficiently notifying the client system of the occurrence of a monitored

event, so as to provide notification in a manner preserving the processing capacity of

the server system and the client system, and preserving bandwidth on the network

system, the method comprising:

an act of the client system sending request to the server system, wherein the

request is that the server system transmit a packet of data to the client system using a

connectionless protocol; an act of the client system attempting to receive a packet of

data from the server system, wherein the packet of data is sent using a connectionless

protocol; an act of the client system requesting that notifications be sent, using the

connectionless protocol and connection protocol (e.g. page 2, [0022-0030], [0042]-

[0043] connectionless protocol- broadcast medium);   Peterson does not explicitly

discloses but Gupta discloses use connection-oriented protocol if the attempt to receive

the packet of data using connectionless protocol is not successful (e.g. Gupta, col. 2,

lines 6-29). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to incorporate the teaching of Gupta to switch to

connection-oriented protocol from connectionless protocol if the delivery fail because

connection-oriented protocol using TCP a virtual circuit must first be established which

introduces substantial overhead in network interaction (Gupta, col. 1, lines 55-60).

In respect to claim 2, Peterson and Gupta disclose the method as recited in claim

1, wherein the act of the client system requesting notifications be sent using a

connection oriented protocol, further comprises an act of the client system attempting to

establish a connection to the server system using the connection-oriented protocol (e.g.

Gupta, col. 2, lines 5-28).

In respect to claim 3, Peterson and Gupta disclose the method as recited in claim 2, wherein the act of the client system requesting that notification be sent using a connection-oriented protocol, further comprises:

-an act of the client system polling the server system at time intervals to check for data associated with the occurrence of events; and an act of the client system requesting the data associated with occurrence of events be transmitted to the client program (e.g. Peterson, page 4, [0047]).

In respect to claim 4, Peterson and Gupta disclose the method as recited in claim 1, wherein the attempt to receive the packet of data is unsuccessful if the packet of data is not received within a prespecified period of time (e.g. Gupta, col. 6, lines 53-67).

In respect to claim 5, Peterson and Gupta disclose the method as recited in claim 1, wherein the connection-oriented protocol is the Transmission Control Protocol (e.g. Gupta, col. 2, lines 5-17).

In respect to claim 6, Peterson and Gupta disclose the method as recited in claim 10, wherein the connectionless protocol is the User Datagram Protocol (e.g. Gupta, col. 2, lines 5-17).

In respect to claim 7, Peterson and Gupta disclose the method as recited in claim 1, wherein the act of the client system requesting that notifications be sent using the connectionless protocol comprises an act of making an express request that notifications be sent using the connectionless protocol (e.g. Gupta, col. 2, lines 5-28) .

In respect to claim 8, Peterson and Gupta disclose the method as recited in claim 1, wherein the server is configured to send notification using connectionless protocol,

wherein the set of the client system requesting that notifications be sent using connectionless protocol. Peterson does not explicitly discloses the server sending the notification by default through the connectionless protocol comprises an act of abstaining from making no express request thereby impliedly requesting that notifications be sent using the connectionless protocol. However, Gupta discloses connectionless protocol is the first choice for sending request and response. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the default feature of connectionless protocol taught by Gupta with Peterson's multiple delivery system for the benefit of reducing network overhead.

In respect to claim 9, Peterson and Gupta disclose the method as recited in claim 1, wherein the client system resides in a private network protected by a firewall, wherein communications using the connectionless protocol are blocked by the firewall from entering the private network (e.g. Peterson, [0042], LAN).

In respect to claims 10-26, the claim limitations are substantially similar to method claims 1-9. Therefore, claims 10-26 are rejected based on the similar rationale.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Examiner: Tongoc Tran
Art Unit: 2134

September 30, 2005

GREGORY MORSE
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